

EXHIBIT P

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

(PAGES 1 – 133 AND 170 - 218)

VOLUME I

DEPOSITION OF KEVIN KONDAS

MARCH 18, 2010

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1 FAUCET.

11:03:58 2 SO IT DEPENDS ON WHAT QUADRANT OF
11:04:01 3 TECHNOLOGY WE WORKED IN. BUT FOR THE MOST PART,
11:04:03 4 WE WERE BACK AND FORTH IN TECHNOLOGY, HE AND I,
11:04:06 5 AND THEN -- THAT'S ALL THERE IS TO SAY.

11:04:08 6 Q. OKAY. AND BETWEEN 1999 AND THE END
11:04:12 7 OF 2005, THE MEMBERS OF K.M. & A. WERE YOURSELF,
11:04:17 8 MS. MELTZER AND MR. MINTON; CORRECT?

11:04:20 9 A. CORRECT.

11:04:20 10 Q. NOBODY ELSE?

11:04:21 11 A. NOBODY ELSE.

11:04:22 12 Q. DID THE MEMBERSHIP EVER CHANGE
11:04:24 13 DURING THE EXISTENCE OF K.M. & A.?

11:04:26 14 A. NO, MA'AM.

11:04:27 15 Q. AND YOU WERE THE MANAGING MEMBER;
11:04:33 16 CORRECT?

11:04:33 17 A. CORRECT.

11:04:34 18 Q. AND YOU AND MR. MINTON SORT OF
11:04:40 19 TRADED OFF IN TERMS OF EVALUATING TECHNOLOGY
11:04:43 20 ORIENTED PROJECTS THAT CAME TO THE ATTENTION OF
21 K.M. & A.?

22 A. YES, MA'AM.

23 Q. AND MS. MELTZER WAS MORE INVOLVED
24 IN FINDING POTENTIAL INVESTORS OR UTILIZING HER
25 SOCIAL NETWORK? I'M TRYING TO UNDERSTAND HER

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1 K.M. & ASSOCIATES INTERNATIONAL.

11:53:50 2 Q. LOOKING AT THE LAST PAGE ON THAT
11:53:53 3 DOCUMENT, IS THAT YOUR SIGNATURE ON THIS PAGE?

11:53:56 4 A. YES, IT IS.

11:53:57 5 Q. DO YOU KNOW WHO DRAFTED THIS
11:54:00 6 DOCUMENT?

11:54:00 7 A. NO, I DO NOT.

11:54:01 8 Q. DID YOU DRAFT THE DOCUMENT?

11:54:02 9 A. NO, I DID NOT.

11:54:03 10 Q. DID ANYONE AT K.M. & A. DRAFT THE
11:54:08 11 DOCUMENT?

11:54:08 12 A. NO.

11:54:08 13 Q. ISN'T IT TRUE THAT KEITH MILLAR
11:54:14 14 HELPED YOU SECURE THIS AGREEMENT WITH LUCY LU AND
11:54:17 15 KEVIN SO IN 2005?

11:54:18 16 MR. THIBODO: OBJECTION; ASKED AND
11:54:20 17 ANSWERED.

11:54:20 18 BY MS. BAKER:

11:54:20 19 Q. YOU CAN RESPOND.

11:54:21 20 A. YES.

21 Q. "YES"?

22 A. YES. PARDON ME.

23 Q. SO IS IT TRUE, AS YOU UNDERSTOOD
24 IT, THAT KEITH MILLAR WAS ACTING ON BEHALF OF
25 K.M. & A. IN 2005?

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1 A. HE NEVER ACTED ON BEHALF OF
11:54:46 2 K.M.A.I.

11:54:48 3 Q. WHY DO YOU SAY THAT?

11:54:50 4 MR. THIBODO: OBJECTION;

11:54:51 5 ARGUMENTATIVE.

11:54:52 6 THE DEONENT: BECAUSE HE HAS A

11:54:53 7 SEPARATE ENTITY.

11:54:54 8 BY MS. BAKER:

11:54:56 9 Q. ANYTHING ELSE?

11:54:56 10 A. HE IS A SEPARATE ENTITY. PARDON

11:54:59 11 ME.

11:54:59 12 Q. ANYTHING ELSE?

11:55:00 13 A. NO.

11:55:01 14 Q. SO HOW DID MS. LU FIRST FIND HER
11:55:13 15 WAY TO MR. MINTON, IF YOU KNOW?

11:55:15 16 A. I DON'T HAVE A CLUE.

11:55:16 17 Q. DO YOU HAVE ANY IDEA HOW SHE FIRST
11:55:21 18 WAS INTRODUCED TO MR. MILLAR?

11:55:24 19 A. LESS. LESS OF A KNOWLEDGE. I
11:55:26 20 DON'T KNOW.

21 Q. OKAY. HAVE YOU EVER HEARD FROM
22 ANYBODY HOW SHE WAS INTRODUCED TO EITHER OF THEM?

23 A. NO. MILLAR BROUGHT LU AND SO.

24 Q. WHAT DO YOU MEAN MILLAR BROUGHT SU
25 AND LO?

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1 LOS ANGELES, CALIFORNIA, THURSDAY

2 MARCH 18, 2010

3 1:12 P.M.

13:12:39

4

13:12:39

5

13:12:40

6

THE VIDEOGRAPHER: THE TIME IS NOW
1:12, AND WE'RE BACK ON THE RECORD.

13:12:43

7

13:12:45

8

MS. BAKER: WOULD YOU MARK THIS AS
CORPORATE 2 FOR ME, PLEASE.

13:12:53

9

13:12:55

10

MR. DONOVAN: I THINK WE'RE ON 3.
2 WAS THE FUNDING AGREEMENT.

13:12:57

11

13:12:57

12

MS. BAKER: YOU'RE RIGHT. THANK
YOU.

13:12:57

13

13:13:17

14

EXAMINATION (RESUMED)

13:13:17

15

BY MS. BAKER:

13:13:17

16

Q. DR. KONDAS, YOU'VE BEEN HANDED A
DOCUMENT THAT'S BEEN MARKED AS CORPORATE NUMBER 3.

13:13:00

18

13:13:00

19

13:13:00

20

(WHEREUPON, CORPORATE EXHIBIT NUMBER
3 WAS MARKED FOR IDENTIFICATION BY
THE DEPOSITION OFFICER AND IS ATTACHED
HERETO.)

22

22

BY MS. BAKER:

23

23

Q. COULD YOU TURN TO THE NINTH PAGE OF
THAT DOCUMENT? YOU'LL SEE NUMBERS AT THE BOTTOM
OF THE PAGES.

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1 A. YES.

13:13:29 2 Q. CAN YOU TAKE A LOOK AT THAT
13:13:32 3 DOCUMENT AND TELL ME IF YOU RECOGNIZE WHAT IT IS,
13:13:38 4 PLEASE?

13:13:38 5 A. JUDGING FROM THE TITLE, I BELIEVE
13:13:41 6 THIS IS THE OPERATING AGREEMENT THAT WAS FOR
13:13:46 7 K.M. & A. -- K.M. & ASSOCIATES INTERNATIONAL.

13:13:50 8 Q. AND IF YOU TURN TO THE 15TH PAGE OF
13:13:59 9 CORPORATE 3, DO YOU SEE THE SIGNATURE LINES THERE?

13:14:02 10 A. YES, MA'AM.

13:14:04 11 Q. OKAY. IS THAT YOUR SIGNATURE?

13:14:06 12 A. YES, MA'AM.

13:14:07 13 Q. OKAY. IS THAT MIRA MELTZER'S
13:14:09 14 SIGNATURE?

13:14:09 15 A. IT APPEARS TO BE.

13:14:10 16 Q. OKAY, YOU'VE SEEN HER SIGNATURE
13:14:12 17 BEFORE?

13:14:12 18 A. YES, MA'AM.

13:14:14 19 Q. AND IS THAT BOB -- ROBERT MINTON'S
13:14:15 20 SIGNATURE?

21 A. YES, MA'AM.

22 Q. OKAY.

23 A. I BELIEVE SO.

24 Q. SO YOU'RE FAMILIAR WITH THE
25 SIGNATURES?

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1 A. YES, MA'AM.

13:14:20 2 Q. DO YOU KNOW WHO PREPARED THE

13:14:23 3 OPERATING AGREEMENT FOR K.M. & A.?

13:14:26 4 A. NO, I DO NOT.

13:14:27 5 Q. DO YOU REMEMBER HOW YOU CAME TO

13:14:34 6 SIGN THE DOCUMENT?

13:14:34 7 A. NO, I DO NOT.

13:14:38 8 Q. DO THE PAGES 9 THROUGH 15 OF

13:14:54 9 CORPORATE NUMBER 3 LOOK LIKE THEY'RE ACCURATE

13:14:57 10 COPIES OF THE OPERATING AGREEMENT TO YOU?

13:14:59 11 A. YES, MA'AM, THEY DO.

13:15:04 12 Q. I WANT TO GO BACK TO THE

13:15:36 13 IRREVOCABLE PROJECT FUNDING AGREEMENT, EXHIBIT

13:15:40 14 CORPORATE 2.

13:15:54 15 A. YES, MA'AM.

13:15:54 16 Q. AND YOU TESTIFIED BEFORE THE BREAK

13:15:56 17 THAT YOU DIDN'T -- YOU DON'T REMEMBER WHO GAVE YOU

13:16:00 18 THE DOCUMENT TO SIGN; IS THAT CORRECT?

13:16:01 19 A. THAT'S TRUE.

13:16:02 20 Q. OKAY. AND IS IT POSSIBLE THAT YOU

21 PLAYED A ROLE IN THE CREATION OF THIS DOCUMENT?

22 A. NO, MA'AM.

23 Q. IF YOU GO TO PAGE 3 -- I'M SORRY,

24 IT'S ACTUALLY THE SECOND PAGE, WHICH IS -- IN THE

25 TOP PARAGRAPH, AND I KNOW IT'S -- I APOLOGIZE. I